THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.11240 OF 2004

Between:

Mare Swamy Vivekananda @ Bannu

……..Petitioner

Vs.

1) The Director General of Police, Andhra Pradesh, Hyderabad and three others.

…….Respondents.

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.11240 OF 2004

O R D E R:

1) No representation for the petitioner. Heard the learned Government Pleader for Home.

2) Alleging that the second respondent is not taking any action on the complaint given by him against the third respondent for his high handed acts, petitioner fileld this petition seeking a direction to the respondent No.5 to take action as per report given by him.

3) In his counter affidavit the second respondent, alleged that the petitioner who is a rowdy sheeter and an accused in Crime No.39 of 2003 and facing trial in C.C.No.525 of 2003 on the file of the Court of

the Judicial Magistrate of First Class, Narsipatnam and in another case, tried to escape on a motor cycle, when the police tried to apprehend him and fell down from the motor cycle and received injuries and inasmuch as the petitioner already filed a private complaint against the third respondent he is not entitled to any relief in this petition

4) Petitioner did not file any reply affidavit denying the allegations in the counter affidavit of the second respondent.

5) As the petitioner, who has the remedy of filing a private complaint, if the police donot take any action on his complaint and as the counter affidavit of the second respondent shows that the petitioner filed a private complaint against the third respondent, this petition is but an abuse of the process of court.

6) Hence, the writ petition is dismissed with costs. Advocate fee is fixed at Rs.500/- (Rupees five hundred only).

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C.Y.SOMAYAJULU J.,

Dt.18.09.2007
tjs